

## **EXHIBIT 49**

# UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of: )  
Certain Gaming and Entertainment ) Investigation No.  
Consoles, Related Software ) 337-TA-752  
and Components Thereof )  
\_\_\_\_\_)

## OPEN SESSION

Pages: 2096 through 2432 (with excerpts)  
Place: Washington, D.C.  
Date: January 19, 2012

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1               Well, I see that our next witness is  
2 really being called by both Motorola and  
3 Microsoft.

4               Who will be calling the witness to the  
5 stand?

6               MS. ROBBINS: We will, Your Honor.

7               JUDGE SHAW: Very well.

8               MS. ROBBINS: As we mentioned  
9 yesterday, or maybe it was the day before, the  
10 parties have agreed that we will present him as  
11 our witness and we will permit Motorola to do  
12 some cross-examination outside the scope of  
13 direct to the extent it relates to the witness  
14 summary that they provided. Those topics.

15              JUDGE SHAW: Yes. That's right. Very  
16 well. Thank you.

17              MS. ROBBINS: Right. So Your Honor,  
18 we would like to call Lee Rossini to the stand.

19              JUDGE SHAW: Thank you.

20              Welcome to the commission.

21              THE WITNESS: Thank you, Your Honor.

22              JUDGE SHAW: Mr. Rossini, do you swear  
23 or affirm that the testimony you'll provide in  
24 this hearing will be the truth, the whole  
25 truth, and nothing but the truth?

1                   THE WITNESS: I do.

2                   JUDGE SHAW: Thank you.

3                   LEE ROSSINI,

4    a witness, called for examination, having been duly  
5    sworn, was examined and testified as follows:

6                   DIRECT EXAMINATION

7    BY MS. ROBBINS:

8       Q. Good morning, Mr. Rossini.

9                   Could you please state your current  
10 employer and job title.

11      A. Yeah. My current employer is  
12 Microsoft. My current job title is general  
13 manager of marketing.

14      Q. And is general manager a new title  
15 since September 27th, 2011?

16      A. It is.

17      Q. Mr. Rossini, you have before you two  
18 binders. In one of them you will find RX-361C,  
19 your direct witness statement.

20                  Do you see that?

21      A. I do.

22      Q. And does that constitute your direct  
23 witness testimony in this investigation?

24      A. It does.

25      Q. If you could please to turn Page 10,

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1 "active gamers," there's no specific number or  
2 percentage that could be attached to that, in  
3 your view?

4 A. None that I would feel comfortable  
5 providing to this room or this Court.

6 Q. Now, you mentioned a wireless network  
7 adapter, and do you recall testifying that the  
8 attach rate for the wireless adapter was on the  
9 order of 8 percent?

10 A. I do.

11 Q. In other words, about 8 percent of  
12 XBox owners purchase that wireless adapter?

13 A. At that moment in time.

14 Q. Okay. And in fact, that was my next  
15 question.

16 At what moment in time -- that is,  
17 over what period of time -- was the 8 percent  
18 figure determined?

19 A. My recollection -- and I'd have to go  
20 back and look at the math that was done, but my  
21 recollection was it was when I was asked that  
22 question, I did a pull of consoles sold up  
23 to -- you know, year-to-date, and wireless  
24 network adapters year-to-date, so that was in  
25 two- -- at some point in 2011 I was asked that

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1 question.

2 And so I calculated it on -- on that  
3 2011 cross-section of data.

4 Q. And didn't the XBox 360 S with  
5 integrated wireless networking come out in at  
6 least mid-2010?

7 A. It did.

8 Q. So your calculation of this attach  
9 rate included a period of time when the  
10 WiFi feature already was integrated into  
11 the console, correct?

12 A. That's correct.

13 Q. And as a result, isn't it likely that  
14 relatively few people who had purchased the  
15 newer XBox with the integrated networking  
16 would, in fact, want an adapter that provided  
17 wireless networking?

18 After all, they already had it in  
19 their console.

20 A. That's reasonable.

21 (Whereupon, the trial  
22 proceeded in confidential session.)

23

24

25

1                   O P E N   S E S S I O N

2                   JUDGE SHAW: Ms. Robbins. And are we  
3 continuing on the confidential record?

4                   MS. ROBBINS: We don't need to.

5                   Your Honor, we have no redirect.

6                   JUDGE SHAW: Oh.

7                   MS. ROBBINS: We have no further  
8 questions for Mr. Rossini.

9                   JUDGE SHAW: All right. Okay. That  
10 response was on the public record.

11                  Well, before Mr. Rossini leaves the  
12 stand, are there any matters we need to take up  
13 concerning this witness from any side?

14                  MR. ROSENMAN: Simply that we would  
15 like to put into evidence the exhibits that  
16 were used during the cross-examination. We'll  
17 get a list to you.

18                  JUDGE SHAW: Is there any objection to  
19 that, Ms. Robbins?

20                  MS. ROBBINS: No, there is not.

21                  And similarly, we would like to please  
22 put in his direct witness statement, his  
23 rebuttal witness statement, and there was one  
24 exhibit that was referenced therein, but we can  
25 provide the list tomorrow morning.

1                   JUDGE SHAW: Any objection,

2 Mr. Rosenman?

3                   MR. ROSENMAN: No objections, Your  
4 Honor.

5                   JUDGE SHAW: Very well. Those  
6 exhibits are received.

7                   MS. ROBBINS: Thank you.

8                   MR. ROSENMAN: Thank you.

9                   JUDGE SHAW: Mr. Rossini, thank you  
10 very much for your testimony.

11                  THE WITNESS: Thank you.

12                  Now, if I read my schedule correctly,  
13 Motorola wishes to recall Dr. Madisetti.

14                  MR. BATCHELDER: That's correct, Your  
15 Honor, as a rebuttal witness.

16                  JUDGE SHAW: Right. Please be seated,  
17 Doctor. You are of course still under oath.

18                  MR. BATCHELDER: May I proceed, Your  
19 Honor?

20                  JUDGE SHAW: Yes, Mr. Batchelder.

21                   VIJAY MADISETTI,  
22 a witness, called for examination, having been first  
23 duly sworn, was examined and testified as follows:

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